


NC

B1040 (FORM 1040) (12/24)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)	
PLAINTIFFS NAYLA CHANTO 408 Picasso Ln 9309 Charleston, SC 29492		DEFENDANTS DEPT OF ED/EDFINANCIAL Attorney or Manager PO BOX 82561 Lincoln, NE 65020	
ATTORNEYS (Firm Name, Address, and Telephone No.)		ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) The plaintiff is filing an adversary proceeding against the defendant, Dept of Ed/EdFinancial. Cause of action dischargeability under §523(a)(8), is seeking relief related to the dischargeability of student loan debt under bankruptcy law.			
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)			
FRBP 7001(a) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(b) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(c) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(d) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(e) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(f) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: right;">(continued next column)</div>		FRBP 7001(f) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(g) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(h) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(i) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(j) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$6,609.48	
Other Relief Sought			

B1040 (FORM 1040) (12/24)

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR NAYLA CHANTO		BANKRUPTCY CASE NO. 25-00403-JD
DISTRICT IN WHICH CASE IS PENDING South Carolina	DIVISION OFFICE	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) <i>nayla chanto</i> 		
DATE 04-29-25		PRINT NAME OF ATTORNEY (OR PLAINTIFF) NAYLA CHANTO

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Nayla Chanto

408 Picasso Ln 9309

Charleston, SC 29492

naylachanto@mac.com

April 29, 2025.

United States Bankruptcy Court

District of South Carolina

Case NO: 25-00403-JD

Chapter 13

Re: Adversary Proceeding for Student Loan Discharge (Undue Hardship)

Dear Clerk of Court:

I am writing to formally request the initiation of an **adversary proceeding** to discharge my student loan debt under **11 U.S.C. § 523(a)(8)** due to **undue hardship**.

Debtor Information:

Name: Nayla Chanto

Case Number: 25-00403-JD

Chapter: 13

Student Loan Creditor(s): Dept of Ed/edfinancial

Approximate Loan Balance: \$6,609.48

Basis for Discharge (Undue Hardship under the Brunner Test or Totality of

Circumstances):

I believe my student loans should be discharged because repaying them would impose an **undue hardship** on me and my dependents. My situation meets the criteria established by courts, including:

Inability to Maintain a Minimal Standard of Living- currently need to vacate

my apartment and need to find a place where I can live.

Persistence of Financial Hardship – My financial struggles are likely to continue for a significant portion of the repayment period, I need to give priority to my Domestic Obligations and by discharging the student my payment plan will dramatically change.

Good Faith Efforts to Repay – I have made efforts to repay but have been unable to do so due to extreme financial hardship, called to see my options but since my bankruptcy is pending any request to discharge or pay a percentage of my balance must be approved by the court.

Supporting Evidence:

I was incarcerated from Jan 2025 to April 2025. During that time I was unable to generate any income, but indeed during this time expenses have been incurred and trying to prioritize on my basic needs and other domestic obligations that have a priority on my repayment plan.

I am prepared to provide documentation required by the court to support my request.

Request for Relief:

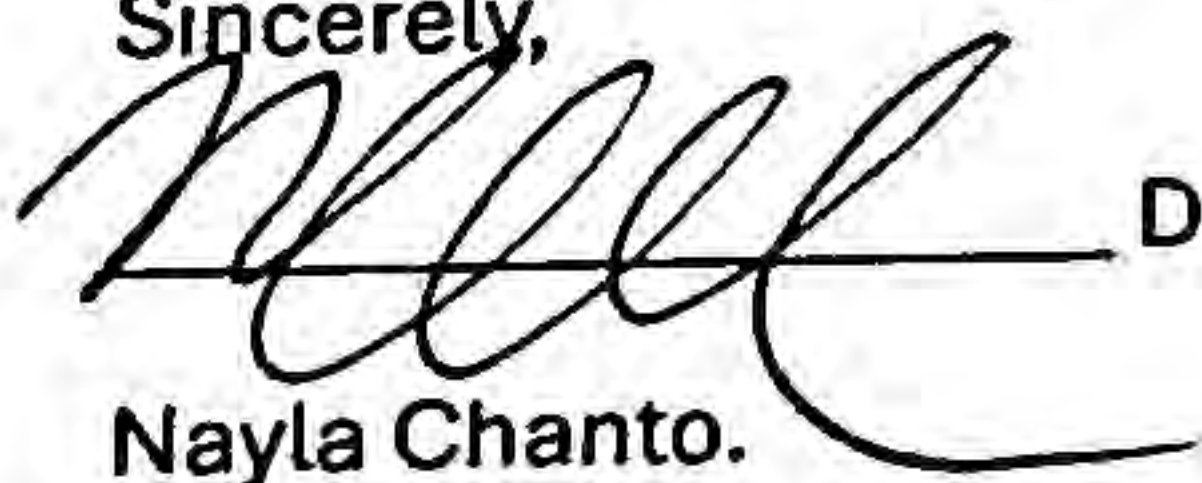
I respectfully request that the court:

Discharge my student loan debt in full due to undue hardship.

Waive filing fees (if applicable, based on financial need).

Please provide the necessary forms and guidance for filing this adversary proceeding. I am prepared to proceed promptly and will comply with all court requirements.

Sincerely,



Date : April 29, 2025

Nayla Chanto.